

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
LAUREN WILLIAMS, PROJECT MANAGER

SUBJECT: PUBLIC HEARING TO CONSIDER THE SECOND AMENDMENT TO
THE DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT AREA
NO. 78 FOR SEAPORT SQUARE, LOCATED IN SOUTH BOSTON,
MASSACHUSETTS

SUMMARY: This Memorandum requests, as part of a scheduled public hearing, that the Boston Redevelopment Authority (the "BRA"): (i) approve the Second Amendment to the Development Plan for Planned Development Area No. 78, (the "Second Amendment") relating to Seaport Square Blocks B & C, pursuant to Section 80C of the Boston Zoning Code (the "Code"); (ii) authorize the Director to petition the Zoning Commission of the City of Boston (the "Zoning Commission") for the approval of the Second Amendment, pursuant to Section 80C of the Code; (iii) authorize the Director to issue one or more Certifications of Consistency or partial Certifications of Consistency in accordance with Section 80C-8 of the Code; and (iv) authorize the Director to issue any and all documents, or amendments thereto, as may be necessary and appropriate in connection with the Second Amendment.

PROJECT BACKGROUND

MS Boston Seaport L.L.C. (the "Developer") has begun the development of a site that consists of approximately 1,444,765 square feet (23 acres), bounded generally by Old Sleeper Street, Sleeper Street, Stillings Street, and Boston Wharf Road to the west; Northern Avenue and Seaport Boulevard to the north, East Service Road and B Street to the east, and Summer Street and property of various owners to the South (the "Project Site").

On September 21, 2010, the Boston Redevelopment Authority ("BRA") approved an amendment to the Boston Zoning Maps to create Planned Development Area No. 78, and also approved a Development Plan for Planned Development Area No. 78 (the

“Original Development Plan”). On October 13, 2010, the Boston Zoning Commission (the “Commission”) approved the map amendment and the Original Development Plan, which became effective on October 13, 2010.

Mayor Menino has designated the South Boston Waterfront District an “Innovation District,” known as the South Boston Waterfront Innovation District, and the Seaport Square Project is consistent with the City’s objective of attracting new innovation economy industry to a vital urban area. The Developer is developing the Project Site by constructing up to 22 new buildings with up to 6,335,200 square feet of residential, retail, office, hotel, innovation, civic and cultural uses, as well as approximately 6,375 below-grade parking spaces. Most buildings will include retail, restaurant, entertainment, innovation space, or other active uses at the street level (the “Project”).

In support of the Innovation District and Boston’s innovation economy, the Project will devote twenty percent (20%) of the gross floor area (“GFA”) of non-residential uses to innovation space and will include a state-of-the-art Innovation Center (further defined below). Innovation Uses include laboratories, small business incubators, research facilities, design and development uses, car-sharing or bicycle-sharing services, public or common space in innovative housing space, uses that bring net new jobs to the City, and other uses described in the Original Development Plan.

An Early Action Public Benefit required by the Original Development Plan required that, the Developer would lease approximately 12,000 square feet of area on Block F to the BRA to accommodate an Innovation Center, which will promote and support the Innovation District. On February 10, 2012, the BRA issued a Partial Certification of Consistency pursuant to Section 80C-8 of the Code confirming the Innovation Center is consistent with the Original Development Plan. The Innovation Center has been completed. Block Q Recreational Area and the ICA/Fan Pier Pedestrian Connector have also been completed as Early Action Public Benefits. Construction has begun on Blocks A (hotel) and L1 (office) and is expected to commence on Block K (residential) in the coming weeks.

On September 27, 2012, the Developer submitted a First Amendment to Development Plan for Planned Development Area No. 78 (the “First Amendment”). The First Amendment proposed to amend the Original Development Plan to provide for the installation and use of electronic signs, as defined in Section 2A of the Code, to enhance and support the Innovation Center and the Innovation Uses in the Project. On November 15, 2012, the BRA Board voted to approve the First Amendment, which was subsequently approved by the Zoning Commission on December 12, 2012, and became effective December 20, 2012.

SECOND AMENDMENT TO DEVELOPMENT PLAN FOR PDA NO. 78

On October 22, 2013, the Developer submitted a Second Amendment to Development Plan for Planned Development Area No. 78 (the "Second Amendment"). The Second Amendment proposes to amend the Original Development Plan, as amended by the First Amendment (the "Development Plan"), to allow for modifications to certain dimensional requirements and public realm improvements relating to the buildings to be constructed on Block B and Block C. Courthouse Square will increase in area from 14,500 square feet, the minimum area set forth in the Development Plan, to approximately 17,000 square feet. The Second Amendment also clarifies that health club use is an allowed use within the category of "Local Retail/Service Uses" and that Innovation Uses are allowed on Blocks B and C.

RECOMMENDATION

Based on the foregoing, staff recommends that the BRA: (i) approve the Second Amendment, pursuant to Section 80C of the Code; (ii) authorize the Director to petition the Zoning Commission for approval of the Second Amendment, pursuant to Section 80C of the Code; and (iii) authorize the Director to issue any and all documents, or amendments thereto, as may be necessary and appropriate in connection with the Second Amendment.

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority ("BRA") approved the Second Amendment to the Development Plan for Planned Development Area No. 78, Seaport Square Project, South Boston (the "Second Amendment") based upon the following findings pursuant to Section 80C-4 of the Boston Zoning Code (the "Code"): (a) the Second Amendment is not for location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) each Proposed Project in such Second Amendment complies with any provisions of the underlying zoning that establishes use, dimensional, designation, or other requirements for Proposed Projects in Planned Development Areas; (c) such Second Amendment complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) such Second Amendment conforms to the plan for the district, subdistrict, or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance, nothing in such Second Amendment will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all benefits and burdens; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to petition the Zoning Commission of the City of Boston (the "Zoning Commission") for approval of the Second Amendment pursuant to Section 80C-4 of the Code, in substantial accord with the Second Amendment presented to the BRA on December 5, 2013; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue one or more Certifications of Consistency or partial Certifications of Consistency in accordance with Section 80C-8 of the Code, when appropriate; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute any and all agreements and any and all other documents, or amendments thereto, deemed necessary and appropriate by the Director in connection with the Second Amendment, subject to such terms and conditions as the Director deems to be in the best interest of the BRA, and to take such other actions deemed necessary and appropriate by the Director in connection with the foregoing.

Exhibit A
Site Plan